

**Supporting Statement for Paperwork Reduction Act Submission
3090-0228 – Nondiscrimination in Federal Financial Assistance Programs**

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A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

Pursuant to the provisions under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), concerning race, color, and national origin; Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 (et seq.) concerning sex bias; Section 606 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 484), as amended concerning sex bias; Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794); concerning disability discrimination; the Age Discrimination Act of 1975 (42 U.S.C. 61 01 et seq.) concerning age bias, Executive Order 12250 (45 FR 72995, November 4, 1980); and 28 CFR 42.401-42.415 and 41 CFR 101-6.2; 41 CFR 101-4; and 41 CFR 101-8.3. The General Services Administration (GSA) is required to collect information from subrecipients of Federal financial assistance. The information is also used to determine compliance with the aforementioned laws and to identify areas of concern that may require technical assistance.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The Office of Civil Rights (OCR) analyzes the data collected to determine whether the subrecipients are complying with the nondiscrimination provisions of the Federal Laws and GSA regulations. Sub recipients must be aware that the Federal Government is collecting the information so that they do not practice or implement policies, procedures, or activities that may be considered discriminatory.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

We use improved information technology to the maximum extent practicable. Where both the Government and the sub recipients are capable of electronic interchange, the sub

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recipients will submit this information collection requirement electronically. Based on experience over the last three years, approximately 60% of respondents submit electronically, while 40% choose to submit hard copy.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

In an effort to prevent duplication, we conducted extensive interviews throughout the agency, reviewed agency regulations, brochures and pamphlets regarding the collection of information for the Federal Financial Assistance Programs and no information is being collected within the agency.

This data collection effort will not duplicate the collection of any compliance data that was provided to another Federal agency by the subrecipients of Federal financial assistance. If a Civil Rights Compliance Report was completed within the last 24 months and sent to another Federal agency, OCR is allowing the subrecipient to provide us with a copy of that report.

5. If the collection of information impacts small businesses or other small entities (item 5), describe any methods used to minimize burden.

Not applicable.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If the data collection is eliminated or reduced, GSA will not be in compliance with the guidance issued by the Department of Justice (DOJ) regarding "Enforcement of Title VI of the Civil Rights Act of 1964 and Related Statutes in Block Grant-Type Programs." DOJ's guidance letter of February 10, 1999, is attached. We are required to collect information from recipients and subrecipients of Federal financial assistance. Therefore, the data is critical to the success of the program in that the collected data will allow GSA to identify program issues and assist GSA in determining appropriate technical assistance and conduct periodic compliance reviews.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner requiring respondents to:

- **Report information to the agency more often than quarterly;**
- **Prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **Submit more than an original and 2 copies of any document;**

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- **Retain records, other than health, medical, government contracts, grant-in-aid, or tax records, for more than 3 years;**
- **In connection with a statistical survey, that is not designed to produce valid, reliable results that can be generalized to the universe of study;**
- **Require the use of a statistical classification that has not been reviewed and approved by OMB;**
- **Include a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**
- **Submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

To ensure consistent and effective enforcement of Title VI of the Civil Rights Act of 1964, the data is being collected in accordance with OMB Bulletin No. 00-02, March 9, 2000.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

GSA consulted with the DOJ, Coordination and Review Section. DOJ is the lead agency for Nondiscrimination in Federal Financial Assistance Programs (NFFAP). GSA also consulted with the Departments of Education (DOE) and Health and Human Services (HHS). Additional discussions were held with State agency directors (primary recipients), who are represented by the National Association of State Agencies for Surplus Property (NASASP). NASASP is aware that OCR will once again collect information regarding the NFFAP program. These organizations are aware that GSA has and will again collect this data. (This data was previously collected for several years).

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9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

Not applicable.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

There are no confidential or sensitive questions on the questionnaire.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no confidential, sensitive or private questions on the questionnaire.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.**

Subrecipient Estimates

The estimated burden hours and costs are captured in the following table for the subrecipient:

Table 1 - Burden Hours and Cost

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Number of Recipients	200
Number of Responses from each recipient	<u>X 1</u>
Total Annual Responses	200
Estimated Hours to Complete each Form	<u>X 2</u>
Estimated Total Burden Hours	400
Average Hourly Wage	<u>X \$29</u>
Estimated Cost to the Public	\$11,600

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

- **The cost estimate should be split into two components: (a) total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling, and testing equipment, and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995; (2) to achieve regulatory compliance with requirements not associated with the information collection; (3) for reasons other than to provide information or keep records for the Government or (4) as part of customary and usual business or private practices.**

See #12.

14. Provide estimates of annualized costs to the Federal Government. Also, provide a description of the method used to estimate cost, which should include qualification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this

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collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

Government Cost

The estimated cost to the Government is captured in Table 2.

Table 2 - GSA Cost

Total Annual Responses	200
Estimated Hour to Review each Form	<u>X 1</u>
Estimated total hours	200
Hourly Wage	<u>X \$46</u>
Estimated Cost to GSA	\$9,200

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14.

Our request doesn't reflect a program change. The previous reinstatement request numbers reflected hours and cost from the previous submission. Any difference in the dollar amount that exists between the justification or the collection as it previously existed and as it is now is based on current information.

Based on experience over the last three years, the number of respondents have declined due to the reduced number of recipients that meet the criteria which OCR uses to identify the specific recipients that will receive OCR's request for compliance information.

In order to comply with the U.S. Department of (DOJ) letter of February 10, 1999, revisions have been in the basic data collection and format. The DOJ's policy document provides guidance to Federal agencies regarding the type of data to be collected from the respondents.

Examples of information that will be collected are: phone numbers; data on the manner in which services will be provided by the program; the racial and ethnic composition of the eligible population, data concerning employment in the program; and data concerning program advertisement. No program changes are being reported.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

No plans are being considered to publish the results of the survey. The data is for determining compliance with applicable Federal civil rights laws and regulations and to report, as requested, to DOJ.

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17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19, “Certification for Paperwork Reduction Act Submissions”.

None.

B. Collections of Information Employing Statistical Methods

Not applicable.